

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Regular Meeting  
York Hall  
November 14, 2001  
7:00 PM

**MEMBERS**  
Spencer W. Semmes, Chair  
Andrew A. Simasek, Vice Chair  
Robert E. Beil, Jr.  
Robert D. Heavner  
Michael H. Hendricks  
Ann F. White

**CALL TO ORDER**

Chair Spencer Semmes called the regular meeting of the Planning Commission to order at 7:00 p.m.

The roll was called and all members were present except Mr. Simasek. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, and Michael S. King.

**APPROVAL OF MINUTES**

Mr. Semmes requested the secretary to correct the October minutes by re-numbering the numbered items on page 3 of the minutes. Ms. White moved to adopt the corrected minutes of the regular meeting of October 10, 2001 and they were approved unanimously by roll call vote (5:0, Mr. Simasek absent).

**REMARKS**

Mr. Semmes welcomed visitors and explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. ZM-62-01, Gerald L. Stewart:** Request to amend the York County Zoning Map by reclassifying two parcels located at 2425 Pocahontas Trail (Route 60) and 2395 Pocahontas Trail from RR (Rural Residential) to GB (General Business).

Mr. Michael King reported on the application, summarizing the staff memorandum to the Commission dated October 31, 2001, enhanced by video presentations. Mr. King noted the staff recommendation of approval by adopting Resolution PC01-35.

Mr. Semmes asked if the proposed resolution should be revised to include the proffer statement dated November 12, 2001, and Mr. King replied that it should.

The Chair opened the public hearing.

**Billie M. Millner, Esq.**, Jones Blechman Woltz and Kelly, P.C., representing the applicant, introduced other principals including Messrs. Gerald Stewart, Tom Porterfield of Woodfin Oil Co., and Francis Norsworthy, property owner. Mr. Millner explained that the major users of the proposed facility would be vehicle fleets of local businesses who would use "controlled credit cards." He said there would be low visual intensity associated with the use.

**Mr. James W. Noel, Jr.**, Director of the York County Office of Economic Development, spoke in support of approving the application. The applicants do an exceptionally good job operating their facilities, he said, adding that it would also provided a needed business service to corporate citizens.

Hearing no others to speak, Chair Semmes closed the public hearing.

Discussion ensued about the shape of the driveway, and Mrs. White asked if it would be built more symmetrical than is shown on the concept plan. Mr. King explained that since it still is a concept plan and subject to approval by the Virginia Department of Transportation, appropriate design revisions could be made.

Mr. Hendricks stated he supported the revised resolution, to include the proffers.

PC01-35(R-1)

On motion of Mr. Hendricks, which carried 5:0 (Mr. Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-62-01 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING TWO PARCELS LOCATED AT 2425 POCAHONTAS TRAIL (ROUTE 60) AND 2395 POCAHONTAS TRAIL (ROUTE 60) FROM RR (RURAL RESIDENTIAL) TO GB (GENERAL BUSINESS)

WHEREAS, Gerald L. Stewart has submitted Application No. ZM-62-01, which requests an amendment to the York County Zoning Map by reclassifying from RR (Rural Residential) to GB (General Business) two parcels located at 2425 and 2395 Pocahontas Trail (Route 60). The parcels are further identified as Assessor's Parcel Nos. 15-20 and 15-21; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of November, 2001, that Application No. ZM-62-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to GB (General Business) two parcels located at 2425 and 2395 Pocahontas Trail (Route 60) and further identified as Assessor's Parcel No(s) 15-20 and 15-21.

BE IT FURTHER RESOLVED that Application No. ZM-62-01 is subject to the following conditions as indicated in the proffer statement entitled, "Conditional Proffer Statement of a Change of Zoning" and dated November 12, 2001, as set for the below:

1. That with respect to the Property marked "Site" and "Gerald L. Stewart" on the attached drawing and being owned by Gerald L. Stewart, the lighting will be consistent with lighting fixtures recommended by the Illuminating Engineering Society of north America (IESNA). All lighting shall use full cutoff fixtures.
2. That there will be a thirty-five-foot (35') transition buffer on the south side of the property abutting the Rural Residential property.
3. That the free-standing sign shall be a ground mounted monument type.

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**Application No. ZM-63-01, York County Planning Commission:** Request to amend the York County Zoning Map by reclassifying portions of two parcels located on Wolftrap Road (Route 630) approximately 230 feet north of its intersection with Barcroft Drive (Route 1271).

Mr. Tim Cross summarized the staff memorandum dated October 24, 2001, in which approval was recommended through the adoption of proposed Resolution PC02-37.

Chair Semmes opened the public hearing.

**Mr. Byron A. Evans**, 3500 Preamble Lane, spoke for his mother, who resides at 1215 Wolftrap Road and supports its rezoning.

**Mr. Jay Horton**, 108 Barcroft Drive, has lived directly behind the properties since 1996 and assumed the wooded property was owned by Dominion Virginia Power. Now he is concerned about noise and lights during nighttime events and about stormwater drainage from Chisman Creek in the absence a wooded barrier. He said the present monitoring of potash in the woods could be compromised, as well.

**Mr. J. W. Collier**, 200 Barcroft Drive, was concerned about wetlands runoff from Chisman Creek.

The Chair closed the public hearing.

Mr. Semmes commented that because the properties in question are not subdivided it would not be the practice of the County to rezone one portion of a single piece of property. He commented that the property owned by the Evans family should be rezoned for residential use and the other is appropriately Resource Conservation.

PC01-37

On motion of Mr. Beil, which carried 5:0 (Mr. Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO RECLASSIFY FROM RC (RESOURCE CONSERVATION) TO RR (RURAL RESIDENTIAL) THE REAR PORTION OF A PARCEL LOCATED AT 1216 WOLFTRAP ROAD AND FROM RR TO RC THE FRONT PORTION OF A PARCEL LOCATED AT 1302 WOLFTRAP ROAD

WHEREAS, the York County Planning Commission at its October 10 meeting sponsored Application No. ZM-63-01, which seeks to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) the rear portion of a 2.47-acre parcel of land located at 1216 Wolftrap Road, further identified as Assessor's Parcel No. 24-244, and from RR to RC the front portion of a 2.95-acre parcel of land located at 1302 Wolftrap Road, further identified as Assessor's Parcel No. 24-246; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of November, 2001, that Application No. ZM-63-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) the rear portion of a 2.47-acre parcel of land located at 1216 Wolftrap Road, further identified as Assessor's Parcel No. 24-244, and from RR to RC the front portion of a 2.95-acre parcel of land located at 1302 Wolftrap Road, further identified as Assessor's Parcel No. 24-246.

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**Application No. UP-585-01, Williamsburg Motors:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 12, number 5) of the York County Zoning Ordinance to authorize an automobile sales and service establishment on a 6.8-acre portion of a 14.1-acre parcel of land located on East Rochambeau Drive (Route F-137) approximately one-half mile northeast of its intersection with Mooretown Road (Route 603).

Mr. Tim Cross presented a summary of the staff memorandum dated October 30, 2001, in which the staff recommended approval of establishing a dealership and recommended denial of an increase in sign size. Mr. Cross explained that a strict interpretation of the Zoning Ordinance does not allow a second sign but allows a landowner to apply to the Board of Supervisors for an additional sign area. Mr. Hendricks asked if the other businesses in the area conform to the signage requirements of the Zoning Ordinance and Mr. Cross said that they do.

Mr. Carter, responding to Ms. White, said that full cutoff lighting is required by the Zoning Ordinance.

The Chair opened the public hearing.

**Rich Costello, P.E.**, President, AES Consulting Engineers, 201 Second Street, Williamsburg, introduced Messrs. Francis Norsworthy, property owner, and Rick Jones of Williamsburg Motors Inc. Mr. Costello explained that one major issue is driveway access to the property. The applicant is requesting approval to move the service driveway onto the parcel owned by Williamsburg Motors, which has over 442 feet of frontage. The driveway is intended for use by service vehicles, including new car carriers that need to unload their cargo, rather than requiring service vehicles to drive through the front parking lot of the dealership. The other issue, Mr. Costello pointed out, is the signage. He said Mr. Jones will present a modified sign proposal.

**Mr. Rick Jones**, Williamsburg Motors Inc., 217 Second Street, Williamsburg, explained that Ford and Lincoln-Mercury are separate franchisers and are operated separately by their franchisees. Ford Motor Company no longer allows sign sharing among the three distinct brands so Ford and Lincoln-Mercury require separate facilities and signs. Mr. Jones requested the Commission to consider two monument-style signs that would each incorporate the minimum size sign allowed by one of the brands. Ford requires at least 31 square feet and Lincoln-Mercury at least 40 square feet of signage. He said the signs would be seven feet lower and the total sign area, at 71 square feet, would be 20 square feet smaller than the original request for 91 square feet of signage. He proposed the two signs for placement at the each corner of the main entrance to the lot.

Mr. Heavner inquired if the dealership planned to have both signs painted on the building itself, and Mr. Jones said that is the plan. He further explained Ford Motor Company's requirements regarding sharing signs and facilities with Lincoln-Mercury. Mr. Costello pointed out that the signs are visible on the building elevation given to the members, and that the building signage requested is much less than that on the Lowes and WalMart buildings.

Mr. Heavner asked about roof color and Mr. Jones said the roof would be "Ford blue."

**Mr. James W. Noel, Jr.**, Director, York County Office of Economic Development, said he did not believe any ordinance can cover every type of situation because there are circumstances with hardships and those are not addressed in the Zoning Ordinance. He stated that the local dealer is left with limited choices as a franchise car dealership involving a large parent corporation. He thinks the applicant has offered a good compromise that meets the overall aesthetic test, and he favored approval.

Mr. Hendricks mentioned that the Industrial Development Authority already successfully lobbied to loosen the signage requirements along the business and commercial corridor involved. Mr. Noel agreed but said an ordinance cannot address every situation.

**Mr. Francis Norsworthy**, 19379 High Bluff Lane, Barhamsville, noted that brand identity is important in today's business climate and all of the Williamsburg Motors brands should be represented on its signs. He believed approval would encourage more businesses to locate along that corridor.

There were no others who wished to speak, and Chair Semmes closed the public hearing.

Mr. Hendricks asked if staff had any objection to relocating the service road as proposed, and Mr. Cross replied that the staff, having become aware of the revision to the proposal only minutes before the meeting, was not prepared to make a recommendation on that particular item.

Mr. Carter said if the applicant intends to subdivide the parcel, one of the entrances of a joint entrance must be on the property line. He said staff does not suggest that a third entrance is out of the question, but the concept plan is an inappropriate method for resolving whether and where the entrance for the undeveloped parcel should go. This may not be the time to make that decision, he said.

Mr. Hendricks asked what the staff would recommend, based on the applicant's proposal for combining square footage for two separate signs. Mr. Cross said the staff supports the Zoning Ordinance allowance of a single sign of a size no greater than 50 square feet. However, should the Commission support the applicant's request for a larger sign, he said, staff recommends the revised request for a sign area not to exceed 71 square feet.

## **RECESS**

Mr. Carter requested a brief recess to confer with the applicant. Chair Semmes called a recess at 8:10 p.m.

## **RECONVENE**

The meeting was reconvened by order of the Chair at 8:20 p.m. Mr. Carter reported a good discussion with the applicant but no conclusions.

## **PUBLIC HEARINGS, con't.d**

### **UP-585, Williamsburg Motors Inc., cont'd.**

The members discussed the applicant's proposed placement of two signs and their visibility. Mr. Jones expected that most traffic would come from Route 199 and not from East Rochambeau Drive, he said.

Mr. Semmes was pleased with the proposal to relocate the Williamsburg Motors dealership into York County and liked the development as presented by the applicant.

PC01-38(R-1)

On motion of Mr. Hendricks, which carried 4:1 (Simasek absent, Semmes opposing), the following resolution was adopted:

### **A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT ON EAST ROCHAMBEAU DRIVE**

WHEREAS, Williamsburg Motors has submitted Application No. UP-585-01 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, number 5) of the Zoning Ordinance to authorize an automobile sales and service establishment on a 6.8-acre portion of a 14.1-acre parcel of land located on East Rochambeau Drive (Route F-137) approximately one-half mile northeast of its

intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-36C; and

WHEREAS, as part of this application, the applicant is also requesting an increase in sign area and height, pursuant to Section 24.1-712 of the Zoning Ordinance, to allow two freestanding pole signs on the above-referenced property that are twenty feet (20') in height and 50 and 41 square feet in area respectively; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of November, 2001, that Application No. UP-585-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of an automobile sales and service center on East Rochambeau Drive subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an approximately 50,000-square foot automobile sales and service center on a 6.8-acre portion of a 14.1-acre parcel of land located on East Rochambeau Drive (Route F-137) approximately one-half mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-36C.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Conceptual Plan for a Special Use Permit for Williamsburg Motors," prepared by AES Consulting Engineers and dated October 1, 2001; and building elevations depicted in Plan Sheet A-2 titled "Williamsburg Motors: Proposed Building Signage," prepared by Leon K. Smith, Architect.
3. Freestanding signage for the development shall be limited to a single ground-mounted monument sign measuring a maximum of fifty (50) square feet in area and fifteen feet (15') in height.
4. Maximum cumulative sign area for this development exclusive of the one (1) permitted freestanding sign shall not exceed 1.5 square feet per linear foot of principal building width.
5. Building façades, including exterior building materials and colors, shall be generally as depicted in the color renderings submitted by the applicant. Brick and brick-type products shall be utilized as the predominant material for all façades visible from public streets.
6. A traffic impact analysis, prepared by a transportation engineer or transportation planner in accordance with the requirements set forth in Section 24.1-251(b)(1) of the York County Zoning

Ordinance, shall be submitted for review and consideration by the County and the Virginia Department of Transportation at the same time as the initial application for site plan approval.

7. The development shall be constructed and operated in conformance with the performance standards set forth in Sections 24.1-475, 24.1-477, and 24.1-479 of the York County Zoning Ordinance.
8. A single driveway from the development onto East Rochambeau Drive shall be permitted. A second driveway, which shall be designed and constructed to serve both the automobile dealership and adjacent "Future Development" as depicted in the above-referenced conceptual plan shall also be permitted. Nothing in this use permit shall be construed to either authorize or prohibit the construction of a third entrance, depicted on the above-referenced conceptual plan as "Future Entrance." Any request for a third entrance shall be considered by the County at such time as development plans are submitted for the remainder of the subject parcel.
9. The development shall be served by an on-site stormwater management pond designed to address stormwater quantity and quality issues for both the automobile sales and service center and any other future development that may occur on the subject parcel.
10. Development of the subject parcel shall be in accordance with the requirements of the Watershed Management and Protection Area overlay district contained in Section 24.1-376 of the Zoning Ordinance. Accordingly, the above-reference site plan shall be accompanied by an impact study prepared in accordance with the requirements set forth in Section 24.1-376(f) of the Zoning Ordinance.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED by the York County Planning Commission this the 14<sup>th</sup> day of November, 2001, that the request of Williamsburg Motors for an increase in sign area and height, pursuant to Section 24.1-712 of the Zoning Ordinance, to allow two freestanding pole signs on the above-referenced property that are twenty feet (20') in height and 50 and 41 square feet in area respectively be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of denial.

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Mr. Semmes stated that he is not against the application, per se, but voted "no" to indicate his support for dual signs.

## **NEW BUSINESS**

### **Six-Year Secondary Road Plan, FY2002-03 through FY2007-08**

Mr. Mark Carter presented the summary of his memorandum to the Commission dated November 5, 2001, and recommended the Commission to certify that the secondary road projects are consistent with the Comprehensive Plan.



Ms. White indicated her satisfaction that the work on Water Country Parkway was moved up as a priority.

PC0-40

On motion of Mrs. White, which carried 5:0 (Mr. Simasek absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A  
PROJECT PRIORITY LISTING FOR SECONDARY ROAD CONSTRUCTION FOR  
THE SIX-YEAR PERIOD FY2002-03 THROUGH FY2007-08**

WHEREAS, the York County Planning Commission has been requested to give consideration and provide advice to the Board of Supervisors on a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has provided a recommended program which the Commission has carefully considered; and

WHEREAS, the York County Planning Commission has specifically reviewed the proposed projects with respect to their conformance with the York County Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14<sup>th</sup> day of November, 2001, that the Commission does hereby make the following recommendations to the Board of Supervisors with respect to the project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2002-2003 through FY2007-2008:

**Rural Addition – Kay Lane** – improvements necessary for acceptance into Secondary System

1. **Lakeside Drive** – intersection improvements between School Lane and Dare Road
2. **Dare Road** – install a left turn lane along westbound lane at Constitution Drive
3. **Big Bethel Road** – intersection improvements at Route 134 and Route 171
4. **Fort Eustis Boulevard Extension** – construct a new road on a new location between the current terminus at Patriot Square Shopping Center and Goodwin Neck Road at its intersection with Seaford Road
5. **Penniman Road** – reconstruct and pave from Alexander Lee Parkway to Fillmore Drive
6. **Carys Chapel Road** – construct intersection improvement at Victory Boulevard
7. **Water Country Parkway** – relocate/re-align to eliminate s-curve and reconstruct to improve access to economic priority area
8. **Burts Road** – reconstruct and re-align Grafton Drive/Dare Road/Route 17 intersection to accommodate connection of Grafton Drive and Burts Road

9. **Burts Road** – connect with Grafton Drive on a new corridor alignment parallel to Route 17
10. **Burts Road** – reconstruct from intersection with Grafton Drive connector south to Oriana Road
11. **Yorkville Road** – improve 90-degree curve
12. **Yorktown Road** – reconstruct from Tabb Lane to Big Bethel Road
13. **Seaford Road** – widen shoulders between Goodwin Neck Road and Seaford Elementary School
14. **Allens Mill Road** – drainage and spot safety improvements between Wolf Trap Road and Dare Road
15. **Waller Mill Rail Trail** – provide 20% local match for Enhancements Program for construction of a multi-use path parallel to Airport Road
16. **Cook Road** – provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Moore House Road

BE IT FURTHER RESOLVED that the Commission does hereby find that, as required by Section 15.1-456, Code of Virginia, the projects and priorities contained in this plan conform with the York County Comprehensive Plan, *Charting the Course to 2015*.

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Mr. Semmes introduced proposed Resolution PC01-41 to express appreciation to Mr. Thomas G. Shepperd for his service on the Planning Commission. Mr. Beil moved adoption of PC-01-41 and it was approved unanimously (Mr. Simasek absent). Mr. Semmes will present it to Mr. Shepperd on behalf of the Commission at the regular meeting of the Board of Supervisors on December 18, 2001.

PC01-41

A RESOLUTION OF APPRECIATION FOR THOMAS G SHEPPERD

WHEREAS, Thomas G. Shepperd was appointed to the York County Planning Commission on July 2000 and unselfishly devoted his time and efforts in service to York County; and

WHEREAS, Mr. Shepperd graduated from the Virginia Certified Planning Commissioners' Program and participated in various programs and training activities that contributed to his ability to deal positively and effectively with land use and development issues that came before the Commission; and

WHEREAS, he was appointed to and served responsibly on the York County Drainage Advisory Committee; and

WHEREAS, during Mr. Shepperd's term the Commission thoroughly reviewed and recommended amendments to the Comprehensive Plan, Charting the Course to 2015, for consistency with the Chesapeake Bay Preservation Act; and

WHEREAS, in his service on the Commission Mr. Shepperd has consistently demonstrated a keen sensitivity to the needs and concerns of the citizens, both in his district and in the County as a whole;

WHEREAS, Mr. Shepperd has been elected to represent District 5 on the York County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of November, 2001, that it does hereby recognize, commend, and sincerely thank Thomas G. Shepperd for dedicated service to York County; and

BE IT FURTHER RESOLVED that the Planning Commission expresses its best wishes to Mr. Shepperd in his service on the Board of Supervisors and in all of his future endeavors.

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## **STAFF REPORTS**

Mr. Carter announced that two members of the Peninsula leadership institute will attend four Commission meetings early next year.

## **COMMITTEE REPORTS**

Ms. White reported on the recent meetings of the Yorktown Design Guidelines Review Committee, October 25 and November 5, which, she reported, had gone extraordinarily well. The members are carefully reviewing the draft design guidelines, a process that could take several months more, according to Ms. White, who added that the next meeting will be November 26.

## **FUTURE BUSINESS**

Mr. Carter briefed the members on the applications for its regular meeting in December.

## **ADJOURNMENT**

Chair Semmes called adjournment at 8:42 p.m.

**SUBMITTED:** \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED**  
**AS AMENDED:** \_\_\_\_\_/s/\_\_\_\_\_  
Spencer W. Semmes, Chair

**DATE:** December 12, 2001